

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ALICIA OLALDE MUNOS, an individual,

Plaintiff,
vs.

EXPRESS FUNDING & REALTY,
INC., SIERRA PACIFIC MORTGAGE
COMPANY, INC., MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., CAL-WESTERN
RECONVEYANCE CORPORATION
and DOES 1 THROUGH 20.

Defendants.

CASE NO. 09-CV-2113 H (AJB)

**ORDER DENYING AS MOOT
SIERRA PACIFIC AND MERS'
MOTIONS TO DISMISS**

On September 25, 2009, Plaintiff Alicia Olalde Munos filed a complaint against Express Funding & Realty, Inc., Sierra Pacific Mortgage Company, Inc. (“Sierra Pacific”), Mortgage Electronic Registration Systems, Inc. (“MERS”), and Cal-Western Reconveyance Corporation. (Doc. No. 1.) On November 30, 2009, Sierra Pacific and MERS filed motions to dismiss Plaintiff’s complaint. (Doc. Nos. 8 & 9.) MERS also filed a motion to expunge lis pendens on November 30, 2009. (Doc. No. 10.) On December 22, 2009, Plaintiff filed an amended complaint. (Doc. No. 12.)

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1 Accordingly, the Court denies as moot Sierra Pacific and MERS' motions to dismiss
2 Plaintiff's complaint. The hearing on MERS' motion to expunge lis pendens shall remain set
3 for January 4, 2010 at 10:30 a.m. in courtroom 13. The Court reserves the right to submit the
4 motion on the papers pursuant to Local Rule 7.1(d)(1) if appropriate.

IT IS SO ORDERED.

6 | DATED: December 23, 2009

Marilyn L. Huff
MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT

9 || COPIES TO:

10 || All parties of record